



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11277 of 2021

1.Suresh
2.Periyasamy

... Petitioners/Accused Nos.5 and 6

Vs

State represented by
The Inspector of Police
Gudalur North Police Station, Theni District.
Crime No.28 of 2019. ... Respondent/Complainant

For Petitioners :MR.D.RAMESHKUMAR, Advocate.

For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory bail in Crime No.28 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A5 & A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 448, 323, 324, 506(ii) and 379 I.P.C and Section 4 of TNPPDL Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and one Ganesan are running a hotel in a partnership terms. The defacto complainant who is the relative of the said Ganesan came to the hotel and intervened in the administration, due to which, a wordy altercation arose between the petitioners and the defacto complainant and the petitioners assaulted the defacto complainant and have also taken a sum of Rs.76,200/-. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners name are not found in the F.I.R, only at the time of filing the final report their names have been implicated. He would submit that the petitioners are innocents, they have not



committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation is completed and final report is yet to be filed.

5.Considering the facts and circumstances of the case, the fact that the investigation has been completed and the petitioners' name were added as accused only in the final report, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11277 of 2021
Date :18/08/2021

MSA
MK/PN/SAR.IV/06.09.2021/3P/5C